

**Barnes County Water Resource District
PO Box 306
Valley City, ND 58072
#845-8508**

Meeting Minutes

October 13th, 2025 – 9:00 AM

MEMBERS PRESENT: Chairman – Jerry Hieb; Managers – Bruce Anderson, Scott Legge, Perry Schlagel, Bret Fehr.

OTHERS PRESENT: Sean Fredricks – Ohnstad Twichell; Mike Opat – Houston Engineering; Shawn Olauson – Barnes County Commissioner; see attached list.

Chairman Hieb called the meeting to order at 9:00 a.m.

Public Comment Period: No one submitted speaker cards to request permission to speak.

Manager Anderson moved to approve the minutes from the September 8th, 2025, meeting. Manager Legge seconded the motion. Upon voice vote, the motion carried unanimously.

Manager Fehr moved to approve the bills as presented. Manager Schlagel seconded the motion. Upon roll call vote, the motion carried unanimously.

OLD BUSSINESS

VC Little Dam

Mike provided a final recap of the financials of the project. Manager Legge moved to have Secretary Didier and Mike from Houston Engineering send out the deobligation letter to close out the Valley City Little Dam Remediation project. Manager Fehr seconded the motion. Upon roll call vote, the motion carried unanimously.

Ten Mile Lake

No update.

Thordenskjold Drain

Sean informed that there will be more information regarding the new cost/benefit methodology for assessment drains to be presented at the December Convention. Meeting with landowners to be held after the convention. Manager Schlagel gave an update regarding a beaver dam East of State Highway 32 where Thordenskjold drain empties. No action taken at this time.

Clausen Springs Dam

Mike informed the board that the Department of Water Resources conducted an inspection of the Dam and Trash Rack. Report at a later date. Mike is in the process of soliciting quotes to build and

install the trash rack. Updates to the EAP have been completed and Mike is working to get the updated information distributed.

Sheyenne River Bank Stabilization Study

No update.

Hobart Lake

Mike reported the water level at 1415.41.

Sanborn Lake Outlet

Mike reported the water level at 1426.38.

Dam Inventory

Mike discussed the progress of the inspection of 9 dams. Upon reaching out to landowners to get access to those dams it was discovered that 2 of the 9 dams were classified incorrectly and are privately owned dams. Mike has not received a response from two other dam owners. The Board directed Mike to proceed with the inspection of the other five dams. No motion taken.

Brown Dam

Mike and Chairman Hieb to contact the landowners involved and gather input.

LaMoire County WRD – Proposed Joint Project

No update.

Spring Creek – Rodney Latt

Manager Anderson informed the board that the fall cattail spraying by Larson Helicopters has been completed with parts of the Spring Creek being sprayed.

NEW BUSINESS

Sheyenne River Snagging & Clearing

Manager Fehr moved to have Mike from Houston Engineering and Secretary Didier to submit cost-share application for snagging and clearing of the Sheyenne River. Manager Anderson seconded the motion.

Surface Drain Application

Application For Surface Drain No. 6734 for Les Hansen in the Southeast Quarter of Section 28 of Rosebud Township

The Board reviewed the Record of Decision issued by the Department of Water Resources (“DWR”) regarding Application for Surface Drain No. 6734 for Applicant Les Hansen. Under Application No. 6734, Applicant seeks to conduct a cleanout to a natural waterway in the Southeast Quarter of Section 28 in Rosebud Township. Applicant seeks to remove sediment buildup that has accumulated in the natural watercourse, a project that may include deepening the natural channel, upstream of 53rd Street SE. The project will ultimately partially drain a pond or wetland in the Southeast Quarter of Section 28 and the discharge will ultimately flow into Bear Creek. The permitted drain

improvements under Application No. 6734 will include 280 feet of channel cleanout or improvements; a maximum bottom width of 6 feet; a maximum cut of 0.7 feet; and 5:1 side slopes.

According to Barnes County tax records, Leslie W. Hansen owns the Southeast Quarter of Section 28 in Rosebud Township. Applicant will construct all of the improvements on Applicant's property.

DWR's Record of Decision indicates that, in accordance with N.D. Admin. Code §§ 89-02-01-08 and 89-02-01-09, DWR conducted a "statewide or interdistrict significance" review of the proposed ditch improvements and concluded the application does not propose drainage of "statewide or interdistrict significance." DWR received standard comments from the Corps of Engineers and the Department of Environmental Quality in response to the solicitation of views to provide guidance regarding when permits are required from those entities. DWR did not receive any substantive comments in response or opposition to the proposed project. In light of DWR's finding, DWR forwarded Application No. 6734 to the Board for processing in accordance with Section 89-02-01-09.1(2) of the North Dakota Administrative Code, via DWR's Record of Decision.

Under Section 89-02-01-09.1(2), once the Board receives the Record of Decision, the Board's first step is to determine if "public and private interests would be better served by a specific public meeting to consider the project." In this case, Mike Opat completed an 8-point evaluation as required under Section 89-02-01-09.2 of the Administrative Code. Mike concluded that, in light of the shallow depth of the proposed improvements and the relatively small size of the pond or wetland Applicant seeks to drain, any downstream impacts will be minimal. Further, no agencies submitted any substantial comments in response to DWR's solicitation of views. With all of this in mind, the Board concluded a formal hearing is not necessary.

Under Section 89-02-01-09.2 of the Administrative Code and Section 61-32-03 of the North Dakota Century Code, the Board must ultimately determine if the project will result in downstream impacts and, if so, the Board must require Applicant to obtain downstream flowage easements from impacted downstream parties as a condition to any approval of Application No. 6734, under Section 61-32-03. The Board agreed with Mike's conclusions that any downstream impacts will be minimal.

Further, no downstream parties have objected to the project and, therefore, the Board does not anticipate any objection downstream as a result of the improvements proposed under Application No. 6734. With this in mind, the Board concluded the project will not result in adverse impacts.

Manager Fehr moved, and Manager Schlagel seconded the motion, to adopt Mike Opat's responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code; to conclude the project will not result in adverse downstream impacts; to conclude no hearing is necessary; and to approve Application for Surface Drain No. 6734 for Applicant Les Hansen, subject to the conditions attached by the Department of Water Resources, and subject to the following conditions:

1. Applicant will not construct or improve the drain in any manner that exceeds the dimensions indicated in the Application, including 280 feet of channel cleanout or improvements; a maximum bottom width of 6 feet; a maximum cut of 0.7 feet; and 5:1 side slopes.
2. Applicant will notify the Barnes County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area affected, and, if necessary, submit an additional permit application.

Upon roll call vote, the motion carried unanimously.

In addition to those conditions, the Board will also recommend that Applicant obtain all other necessary and requisite licenses, permits, registrations, and approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities. The Board directed Sean Fredricks to prepare the requisite Notice of Decision and to provide the Notice to all parties of record, as required by law.

Engineer Report

Nothing more to be added.

Legal Report

Sean gave a brief update.

With nothing more to be discussed the meeting was adjourned at 10:24 a.m.

APPROVED:

By: _____


Jerry Hieb, Chair

ATTEST:



Cara Didier
Secretary-Treasurer

Barnes County Water Resource District
PO Box 306
Valley City, ND 58072

October 13th, 2025

PLEASE SIGN IN BELOW

Shawn Olanson

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